

United States Department of the Interior Bureau of Land Management

Environmental Assessment UT-010-2008-050

Finding of No Significant Impact and Decision Record

Oil and Gas Leasing in the Fillmore Field Office

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Finding of No Significant Impact

INTRODUCTION:

The Bureau of Land Management (BLM) has prepared an environmental analysis (EA No. UT-010-08-050) in order to address oil and gas leasing in the Fillmore Field Office, including approximately five million acres in west-central Utah. The purpose and need for the proposed action, oil and gas leasing in the Fillmore Field Office area, would be met while accomplishing the following objectives:

1. Lease where in conformance with the BLM land use plans and consistent with state and local plans.
2. Protect important wildlife habitats.
3. Protect Traditional Cultural Properties, Indian sacred sites, cultural resources and historic trails.
4. Mitigate impacts on other resource values, including recreation, soils, and visual resources.

The analysis in the EA attached to this Finding of No Significant Impact (FONSI) addresses the areas proposed for leasing including appropriate lease notices. The no action alternative (Offer Leases Consistent with Existing Land Use Plan), a no leasing and the proposed action (Offer Leases with Additional Resource Protective Measures Consistent with Existing RMPs and Lease Categories) alternatives are analyzed in the EA.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the analysis area.

No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Warm Springs Resource Area Resource Management Plan/Record of Decision, House Range Resource Area Resource Management Plan/Record of Decision, the Warm Springs Resource Area Oil and Gas Leasing Implementation EA, and the House Range Resource Area Oil and Gas Leasing Implementation EA for the decisions to which this decision is tiered. Therefore, an EIS is not needed. This finding is based on the context and intensity of the proposed action:

Context: As identified in 516 Departmental Manual Chapter 11.8, this action does not require the preparation of an EIS. Impacts of leasing are not expected to be significant and do not involve or are not related to another action that when combined has a cumulative effect that would cause a significant effect on the human environment. Leasing does not involve the approval of an oil or gas development operation.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memoranda, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse. Leasing would impact resources as described in the EA. The standard Lease Notices were reviewed and in certain instances were updated based on current information provided by agencies with expertise and jurisdiction such as the Utah Division of Drinking Water and the U.S. Fish and Wildlife Service (USFWS). During notification and consultation procedures, information was sought and incorporated as warranted from Native American Tribes and the Utah State Historic Preservation Officer (SHPO).

Mitigating measures to reduce impacts to other natural resources were incorporated in the leases through leasing decisions in the current land use plans, and from additional resource protection measures identified in the EA. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the existing NEPA documentation for leasing. Should a lease parcel be offered and sold at an oil and gas lease sale, and be subsequently proposed for development, additional, site-specific NEPA analysis and further mitigation to reduce environmental impacts will be required at the Application for Permit to Drill (APD) stage.

2. The degree to which the selected alternative will affect public health or safety. Leasing for oil and gas and subsequent exploration and development is an on-going activity on public lands. Leasing will not authorize on-the-ground activity that would put the public health or safety at risk. Stipulations and notices attached to the leases, as identified in the governing land use plans, this environmental assessment, or subsequent NEPA analysis prepared for specific Lease Sale parcels, and potential additional protections applied at the APD stage, will be developed in a way that provides for public health and safety. For example, spill prevention plans will be required; drilling operations will be conducted under the safety requirements of Federal Onshore Oil and Gas Orders, and recommended practices of the American Petroleum Institute, including blow-out preventers, well bore casings and other industry safety requirements to protect workers and public health. Other standard practices for preparing/designing road bases or power lines would meet Bureau requirements.

3. Unique characteristics of the geographic area such as proximity to cultural resources and Traditional Cultural Properties, recreation, visual resources, vegetation, and wildlife. The Fillmore Field Office area is bordered by Great Basin National Park, and the Fishlake, Dixie and Manti-LaSal National Forests. It is typical of the eastern edge of the Basin and Range Geographic Province and is dominated by numerous alternating north-south trending mountain ranges and sedimentary basins. Little Sahara Recreation Area and Yuba Special Recreation Management Area offer well sought after recreation opportunities.

It is established that subsequent parcel nominations would receive additional NEPA review and consultation with the affected Tribes, the State of Utah and Utah SHPO, USFWS and the National Park Service. Leasing categories remain as identified in the governing land use plans. Certain resources are distinguished in the EA and corresponding lease notices were prepared. These include but are not limited to: noxious and invasive weeds, big game (crucial habitats, fawning, calving), raptors, migratory birds, sage grouse (winter, leks, nesting & brood rearing), waterfowl, sensitive species, eagles (roosts & nests), burrowing owl, conservation agreement species, visual resources, drinking water source protection, special status plants species, riparian areas, floodplains, erodible and steep soils, Utah Test and Training Range, historic trails or properties, and cultural resources.

Fillmore Field Office's land use planning decisions do not have stipulations for the management or protection of sage grouse or current and historical Bonneville cutthroat trout habitats. Neither do these decisions have stipulations for the management or protection of the Pony Express National Historic Trail, as this trail wasn't analyzed as part of the existing planning decisions. Therefore, until such time as the BLM completes a land use plan revision or amendment, leasing within sage grouse habitats for winter range, nesting, brood rearing and leks, current or historical Bonneville cutthroat trout habitats, or within or adjacent to the Pony Express National Historic Trail, will not be considered.

The following elements of the human environment are not affected because they are not present in the analysis area: threatened, endangered or candidate plant species and wild and scenic rivers. The following resources are not impacted by the proposed action: air quality, environmental justice, prime/unique farmlands, solid and hazardous wastes, woodlands/forestry, soils, paleontology, fire/fuels management, socio-economics, wild horses and burros, and wilderness areas/wilderness study areas. Appendix A of the EA – Interdisciplinary Team Analysis Record Checklist identifies the determinations and rationale for those elements not present or impacted and the identification of issues to be analyzed within the EA (1.4 Identification of Issues).

The stipulations and lease notices to be added to the parcels that, pursuant to this decision, may be added to future lease sales, including standard lease terms under the Onshore Oil and Gas Lease Orders, those developed in the RMPs, and those recommended in the EA, take into account the resource values and appropriate management constraints prescribed in the RMPs.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. There is no scientific controversy over the nature of the impacts. The oil and gas exploration and development that could follow leasing is a routine practice on public lands. The nature of the activities and the resultant impacts are well understood and have been adequately analyzed and disclosed to the public through existing BLM NEPA documents and the EA attached to this FONSI.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. As stated above, leasing and subsequent exploration and development of oil and gas is not unique or unusual. The BLM has experience implementing the oil and gas program and the environmental effects to the human environment are fully analyzed in existing NEPA documents and the EA attached to this FONSI. Therefore, there are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. Reasonably foreseeable actions connected to the decision to lease have been considered. As stated in the description of the proposed action in the attached EA, a lessee's right to explore and drill for oil and gas, at some location on Category 1 and 2 leases, is implied by issuance of the lease. A lessee must submit an application for permit to drill (APD) identifying the specific location and drilling plan to the BLM for approval and must possess a BLM-approved APD prior to drilling. An appropriate NEPA document is prepared prior to approval of the APD. Following BLM's approval of an APD, a lessee may produce oil and gas from a lease without additional approval. The impacts which may result from oil and gas development from leasing the parcels included in the selected alternative were considered by an interdisciplinary team within the context of past, present, and reasonably foreseeable future actions and, as stated below, significant cumulative effects are not predicted.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete disclosure of the effects, including cumulative effects, of leasing the selected parcels is contained in Chapter 4 of the attached EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. Leasing will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. As discussed in item 3 above, consultation with SHPO will be completed in accordance with Section 106 of the NHPA for each lease sale. Given the requirements of the oil and gas operational orders, the land use plans and the other stipulations placed on the leases, significant scientific, cultural or historical resources would not be significantly affected.

Additionally, the following has been included as a formal stipulation on all lease parcels subject to sales:

“This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.”

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list. BLM initiated informal Section 7 consultation with FWS on all lease parcels sold since November 2003 in a memorandum to FWS dated December 13, 2004. In that memorandum, BLM committed to attaching to the appropriate parcels lease notices that were designed to manage and protect specific listed species in conjunction with the authority of the ESA and the Standard Terms and Conditions of an oil and gas lease. BLM and FWS have agreed upon the language of the lease notice which will notify lessees of specific species that require protection under the ESA. Based on the inclusion of these lease notices, BLM has determined that leasing “may affect, but would not likely adversely affect” any listed species. BLM received a memorandum from FWS dated December 16, 2004 concurring with BLM’s determination. Additional consultation occurred for the California condor (June 2008) since it was not undertaken as part of the consultation effort in 2004. Since appropriate stipulations and lease notices for protection of wildlife have been included for the parcels to be leased, other special status species also would not be adversely affected.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements. Leasing does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental assessment process. Native American Tribes have been contacted about oil and gas leasing within the analysis area. Subsequent leasing proposals would also involve additional coordination with the Tribes as part of issue identification and consultation required by the NHPA. Traditional Cultural Properties (TCP), sacred sites or areas of concern to the Tribes would not be included in the lease sales unless done in a manner that was acceptable to the Tribes. In addition, leasing is consistent with applicable land management plans, policies, and programs as indicated in Chapter 1, Relationship to Statutes, Regulations and Other Plans, included in the attached EA.

Additional consultation and coordination will be required during review and approval of site-specific proposals for oil and gas exploration, drilling and development.

/s/ Brent Range

4-08-09

Authorized Officer

Date

DECISION RECORD:

It is my decision to adopt the proposed action, (Offer Leases with Additional Resource Protective Measures Consistent with Existing RMPs and Lease Categories) to provide for oil and gas leasing in accordance with existing leasing categories and decisions contained in the House Range and Warm Springs RMP/RODs and the subsequent oil and gas leasing Implementation Environmental Assessments, except that under the following conditions or circumstances, leasing will not be further considered until such time that the BLM completes a land use plan revision or amendment:

- in areas that have been determined by the BLM to contain wilderness characteristics
- in areas that contain sage grouse habitat
- in areas with current and historic Bonneville cutthroat trout habitats
- within and immediately adjacent to the Pony Express National Historic Trail

Within these areas, consideration of oil and gas leasing will be deferred until a land use plan revision or amendment is completed.

Future requests for leasing will be reviewed for NEPA adequacy and the presence of new information or changed circumstances which may raise concerns about the appropriate leasing categories and protective measures, and appropriate recommendations would be made at that time.

Authorities: Oil and gas leasing is a principal use of the public lands as identified in Section 102(a)(12), 103(l) of the Federal Land Policy and Management Act of 1976 (FLPMA) and is required under Mineral Leasing Act of 1920, as amended. Oil and gas leasing also is an appropriate use of the public lands as planned for in the House Range Resource Area and Warm Springs Resource Area Resource Management Plans, as amended. Leases will be issued pursuant to 43 CFR subpart 3100.

Compliance and Monitoring: No activities on the public lands are specifically authorized by issuance of an oil and gas lease. All exploration and production activities which involve surface disturbance must be applied for and individually approved by BLM. Therefore, specific monitoring of leases is not required at this time, but may be required following site-specific analysis and approvals of exploration and applications for drilling and development.

Terms/Conditions/Stipulations: The terms/conditions/stipulations attached to each parcel are identified in the attached list of parcels. The terms and conditions will be attached to the leases, and will be applied through the approval of site-specific applications for exploration, drilling and development.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and the no action alternatives have been reviewed and found to be in conformance with the following documents: Warm Springs Resource Area Resource Management Plan and Final Environmental Impact Statement (WSRA RMP/FEIS); House Range Resource Area Resource Management Plan and Record of Decision (ROD) Rangeland Program Summary, and Environmental Impact Statement and proposed Resource Management Plan for the House Range Resource Area (HRRR RMP/EIS). They also meet the objectives and are consistent with the information provided in the supplemental/implementation EAs (Warm Springs Resource Area RMP Oil and Gas Leasing Implementation Environmental Assessment (WSRA O&G EA) and House Range Resource Area RMP Oil and Gas Leasing Implementation Environmental Assessment (HRRR O&G EA). They are also consistent with the other program decisions in the HRRR and WSRA RMP Record of Decisions. While the No Leasing Alternative does not conform with the WSRA and HRRR RMP RODs, the analysis contained in this alternative is necessary to provide an adequate comparison of impacts upon which to make a decision.

Alternatives Considered:

No Action Alternative – Offer Leases Consistent with Existing Land Use Plans

This alternative would provide for oil and gas leasing and potential activities as identified in the governing land use plans. Conservation measures and lease notices would not be applied as presented Table 2 and Appendix B, respectively. Stipulations required for T&E species, NHPA and standard orders would apply.

Proposed Action Alternative – Offer Leases with Additional Resource Protective Measures Consistent with Existing Lease Categories

This alternative would provide for oil and gas leasing subject to additional resource protective measures beyond those described under the No Action Alternative, and beyond those that can be achieved through relocation of proposed activities up to 200 meters and/or timing restrictions of up to 60 days. This alternative considered the need for additional protective measures that included timing limitations for wildlife, controlled surface use for wildlife, fish, visual resource management, soils, riparian areas, slopes, and paleontology, and no surface occupancy for recreation sites, watershed protection, and steep slopes.

No Leasing Alternative

This alternative, although not in conformance with the existing WSRA RMP/EIS and HRRR RMP/EIS, considers the additional resource protections that would be afforded if no leasing were to occur. Under this alternative, the BLM could determine that the only way to adequately protect a particular resource would be by not allowing leasing. Although implementation of this alternative in its entirety would be inconsistent with the land use plan and could unnecessarily prevent domestic production of oil and gas, the analysis of this alternative provides for disclosure of a full range of alternatives, and provides a basis from which to defer parcels currently available for leasing where leasing could result in adverse impacts to specific resource values.

Alternatives Considered but Not Carried Forward

The following alternatives were considered but not carried forward for detailed analysis for the reasons presented.

Leasing with No Surface Occupancy (NSO). NSO could be considered under the Proposed Action alternative; therefore, this alternative was not carried forward as a separate alternative.

Change of Leasing Categories/Decisions Requiring a Land Use Plan Amendment. The proposed action is in conformance with the current RMPs, therefore RMP amendments are not required.

Directional Drilling. This was not carried forward for analysis because it is not ripe for leasing activities. Directional drilling is appropriately considered at an APD stage when site-specific information is available.

Rationale for Decision: Oil and gas leasing is a principal use of the public lands as identified in Section 102(a)(12), 103(l) of the Federal Land Policy and Management Act of 1976 (FLPMA) and is required under Mineral Leasing Act of 1920 as amended. Oil and gas leasing also is an appropriate use of the public lands as planned for in the BLM WSRA and HERRA RMPs, EISs, and O&G EAs. The project was posted to the Utah BLM Environmental Notification Bulletin Board on Sept. 2, 2008 and provided for a 15-day scoping period. The EA was also made available for two comment periods (Nov. 5, 2008 and Jan 23, 2009). Notice was provided by maintaining the ENBB and updates to the Utah Oil and Gas Lease Sale webpage. In total, seven comments were received on the EA, which in some cases resulted in minor revisions to the EA. These changes, however, did not substantially alter the analysis. Section 5.4 and 5.5 were added to the EA which summarize changes as a result of public comments/internal review and responses to public comments, respectively.

The two supporting land use plans and the corresponding implementation EAs do not have stipulations for the management or protection of sage grouse and current and historical Bonneville cutthroat trout habitats, nor is adequate protection afforded to the Pony Express National Historic Trail. Areas that have been found by the BLM to possess wilderness characteristics have not been considered in these documents. Therefore, until such time as the BLM completes land use plan revisions or amendments, leasing will not be considered further within sage grouse habitats for winter range, nesting, brood rearing and leks; within current or historical Bonneville cutthroat trout habitats; within or immediately adjacent to the Pony Express National Historic Trail; or within areas determined to possess wilderness characteristics.

Appeal Provisions:

This programmatic decision may be appealed when actions are implemented. Specifically, at such time that a lease is issued for a parcel that has been offered and sold pursuant to the underlying Environmental Assessment, the leasing decision may be appealed to the Interior Board of Land Appeals (IBLA) as provided for in 43 CFR 3120.1-3 and 43 CFR Part 4.

/s/ Brent Range

4-08-09

Authorized Officer-Fillmore Field Office Manager

Date

Attachment:

Environmental Assessment UT-010-2008-050